

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RIVER OAKS KERRVILLE LIMITED,

Plaintiff,

v.

ALLIED PROPERTY AND
CASUALTY INSURANCE COMPANY,

Defendant.

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SA-22-CV-1159-FB (HJB)

Order

Before the Court are Defendant's Opposed Motion to Limit the Opinion Testimony of Plaintiff's Non-Retained Expert Jason Lanier (Docket Entry 23), and Defendant's Opposed Motion to Strike the Opinions and Testimony of Plaintiff's Retained Testifying Expert Gary Treider (Docket Entry 25). Pretrial matters in this case have been referred to the undersigned for consideration pursuant to 28 U.S.C. §636(b). (*See* Docket Entry 13.)

Defendant's motions were filed on October 20, 2023; each contains a certificate of conference indicating that the motions are opposed. If a party opposes a motion, it must file a response. *See* W.D. TEX. R. CV-7(d)(1). For motions relating to expert testimony such as the ones before the Court, the time limit for a response is 14 days. *See* W.D. TEX. R. CV-7(d)(2). "If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed." *Id.* In this case, the time to respond has passed, but no responses have been filed.

It is therefore **ORDERED** that Plaintiff respond to Defendant's motions (Docket Entries 23 and 25) **by November 14, 2023**. If Plaintiff fails to file responses as ordered, the Court will grant the motions as unopposed. W. D. TEX. CV-7(d)(2). Plaintiff's responses must include an

explanation for its failure to file timely responses in the first place.

Should Plaintiff file responses, it is **FURTHER ORDERED** that Defendant's deadline to reply is **December 5, 2023**.

SIGNED on November 7, 2023.



Henry J. Bemporad
United States Magistrate Judge